## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	) 8:12CR47 )	
Plaintiff,		
vs.	) DETENTION ORDER	
SAUL GOMEZ-MENDOZA,	) }	
Defendant.	<b>,</b>	
A. Order For Detention  After conducting a detention hearing purs Reform Act on February 29, 2012, the Codetained pursuant to 18 U.S.C. § 3142(e) a	ourt orders the above-named defendant	
conditions will reasonably assure the	because it finds: nce that no condition or combination of appearance of the defendant as required. t no condition or combination of conditions	
distribute marijuana (Cour possession with intent to of 21 U.S.C. § 841(a)(1) by years imprisonment; and trafficking offense (Count carries a minimum sente maximum of life imprison (b) The offense is a crime of (c) The offense involves a na	nd includes the following: e offense charged: t to distribute and possess with intent to nt I) in violation of 21 U.S.C. § 846 and the distribute marijuana (Count II) in violation both carry a maximum sentence of twenty the carrying of a firearm during a drug t III) in violation of 18 U.S.C. § 924(c)(1) ence of five years imprisonment and a ment. violence.	
may affect wheth The defendant hat X The defendant hat X The defendant hat X The defendant is The defendant defendant defendant defendant defendant defendant defendant defendant defendant hat X The defendant hat	of the defendant including:  ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community	

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			<ul> <li>X The defendant has a significant prior criminal record.</li> <li>X The defendant has a prior record of failure to appear at court proceedings.</li> </ul>	
		(b)	At the time of the current arrest, the defendant was on:  Probation	
			Parole	
			Release pending trial, sentence, appeal or completion of sentence.	
		(c)	Other Factors:	
		( )	X The defendant is an illegal alien and is subject to	
			deportation.  The defendant is a legal alien and will be subject to	
			deportation if convicted.	
			X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.	
			Other:	
V	(4)	TL		
<u>X</u>	(4)		nature and seriousness of the danger posed by the defendant's se are as follows: The nature of the charges in the Indictment and the	
			dant's criminal history.	
Χ	(5)	Pohu	ttable Presumptions	
	(3)		ermining that the defendant should be detained, the Court also relied	
		on th	e following rebuttable presumption(s) contained in 18 U.S.C. §	
	X		(e) which the Court finds the defendant has not rebutted:  That no condition or combination of conditions will reasonably	
		(u)	assure the appearance of the defendant as required and the safety	
			of any other person and the community because the Court finds that	
			the crime involves: (1) A crime of violence; or	
			(2) An offense for which the maximum penalty is life	
			imprisonment or death; or	_
			<ul> <li>X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or</li> </ul>	ı
			(4) A felony after the defendant had been convicted of two	
			or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for	
			one of the crimes mentioned in (1) through (3) above	
			which is less than five years old and which was	
	X	(b)	committed while the defendant was on pretrial release.  That no condition or combination of conditions will reasonably	
		(5)	assure the appearance of the defendant as required and the safety	
			of the community because the Court finds that there is probable	
			cause to believe:  X (1) That the defendant has committed a controlled	
			substance violation which has a maximum penalty of	
			10 years or more.	0
			X (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and	3
			in relation to any crime of violence, including a crime of	
			violence, which provides for an enhanced punishment	
			if committed by the use of a deadly or dangerous weapon or device).	

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## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: February 29, 2012. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge